



## Air Pollution Control Hearing Officer Annotated Docket

Regional Transportation Commission (RTC) Administrative Offices  
600 S. Grand Central Parkway, Las Vegas, NV

**9:00 a.m. – May 9, 2012**

Hearing Officer: Terry Vaeth

Staff: Gary Miller, Compliance and Enforcement Manager  
Lea Kain, Enforcement Supervisor

The RTC Administrative Offices are accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter may be made available; phone 676-1500, TDD 676-1834, or Relay Nevada toll-free (800) 326-6868 TTY/TDD.

### **I. CALL TO ORDER 9:00 a.m.**

### **II. MATTERS REQUIRING HEARING OFFICER ACTION**

- A. **NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT:** The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

#### **1. LAS VEGAS PAVING CORPORATION**

NOV #8047 – For constructing stockpiles over eight feet in height within 100 yards of occupied buildings documented during site inspections on September 29, October 7, 19 and 21, 2011 of the Oakey Meadows Storm Drain construction project of Las Vegas Paving Corporation, located between Vista Drive and Hinson Street, south of Charleston Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Subsection 94.8.4

Recommended Penalty: \$6,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$6,000**

**B. CONTESTED NOTICES OF VIOLATION**

**1. CLS TRANSPORTATION**

NOV #8049 – For operating a gasoline dispensing system without a minor source permit, as identified during a gasoline dispensing operation compliance evaluation on October 5, 2011 at the CLS Transportation facility (Source: 15030), located at 6430 South Procyon Street, in Clark County, Nevada.

Violation(s) Alleged: Subsection 12.1.3.1

Recommended Penalty: \$4,000

**CONTINUED AT THE REQUEST OF CLS TRANSPORTATION.**

**2. FORTE SPECIALTY CONTRACTORS**

NOV #8053 – For failure to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing materials, and for failure to provide a Demolition Notification Form ten days prior to commencement of demolition or renovation, documented during site inspections of the TitleMax Charleston construction/remodel project of Forte Specialty Contractors on December 28 and 29, 2011, located at 4077 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Subsection 13.1.7

Recommended Penalty: \$6,000

61.145(a)

61.145(b)

61.145(b)(3)(i)

**CONTINUED AT THE REQUEST OF FORTE SPECIALTY CONTRACTORS.**

**3. THE M RESORT SPA AND CASINO**

NOV #8040 – For failing to conduct initial performance testing of three Hurst boilers for more than two years beyond the required test date; for failing to submit a performance test protocol for the initial performance testing; for exceeding annual throughput of gasoline from two emission units; and for exceeding actual emissions limitations for the two emission units documented during a minor source compliance evaluation on May 31, June 1 and June 22, 2011 at The M Resort Spa and Casino (Source: 16264), located at 12300 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Subsection 12.0.3

Recommended Penalty: \$14,000

**HEARING OFFICER DISMISSED THE ALLEGATION OF SUBSECTION 12.0.3 (IV-F-1-c).**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$12,000**

**Subsection 12.0.3 (IV-F-1) - \$4,000**

**Subsection 12.0.3 (IV-A-3-b) - \$4,000**

**Subsection 12.0.3 (IV-A-2-b) - \$4,000**

4. **AFTERMATH, INC.**

NOV #8046 – For failure to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing materials; for failure to provide a Notification Form ten days prior to commencement of demolition or renovation; for failure to have a person on site trained in the provisions of this regulation; for failure to adequately wet ACM; and for failure to properly document waste disposal of ACM, documented during a site inspection on September 21, 2011 of a townhouse residence located at 3684 Mt. Vernon Avenue in Clark County, Nevada that was undergoing cleanup and decontamination by Aftermath, Inc.

Violation(s) Alleged: Subsection 13.1.7

Recommended Penalty: \$24,000

61.145(a)  
61.145(b)(1) and (b)(3)(i)  
61.145(c)(6)  
61.145(c)(8)  
61.150(a)(1)(iv) and (v)  
61.150(d)(1)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$24,000**

5. **SAGUARO POWER COMPANY**

NOV #8042 – For failing to conduct required performance testing by the five-year anniversary date, including failing to submit a performance test protocol, and failing to pay Air Quality permit fees for five invoices within 90 days of the billing date, identified during a Full Compliance Evaluation conducted on April 26, 29, May 3, 9, 24, and 26, 2011 at the Saguaro Power Company facility (Source: 393), located at 435 Fourth Street in Clark County, Nevada.

*Continued from 3/14/12*

Violation(s) Alleged: Subsection 19.4.1.3

Recommended Penalty: \$24,000

Subsection 19.4.1.7 & 12.5.2.6(h)

**HEARING OFFICER DISMISSED THE ALLEGATION OF SUBSECTION 19.4.1.7 & 12.5.2.6(h).**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$20,000**

**Subsection 19.4.1.3 (IV-D-5) - \$18,000**

**Subsection 19.4.1.3 (II-E-3) - \$2,000**

**III. ADJOURNMENT**

**10:50 a.m.**